

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Wayne Drost,)
Plaintiff,) Civil Action No.: 1:18-cv-01266-JMC
v.)
Pickens County Law Enforcement)
Detention Center Facility,)
Defendant.)

)

ORDER

This matter is before the court upon review of Magistrate Judge Shiva V. Hodges' Report and Recommendation ("Report") (ECF No. 12), filed on June 26, 2018, recommending this action be dismissed with prejudice for failure to submit documents necessary to bring this case into proper form in compliance with Judge Hodges' Proper Form Order (ECF No. 5); *see Fed. R. Civ. P. 41(b)*. Plaintiff brought this action pursuant to 42 U.S.C. § 1983.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See 28 U.S.C. § 636(b)(1)*.

The parties were advised of their right to file objections to the Report. (ECF No. 12.) Neither party filed objections to the Report.

In the absence of objections to the Magistrate Judge's Report, the court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the district court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. Therefore, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 12). For the reasons articulated by the Magistrate Judge, this action is **DISMISSED** for failure to bring this case into proper form.

IT IS SO ORDERED.



United States District Judge

July 19, 2018
Columbia, South Carolina